

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Raleigh Regulatory Field Office
6508 Falls of Neuse Road, Suite 120
Raleigh, North Carolina 27615-6814
(Web page - <http://www.saw.usace.army.mil/wetlands/index.htm>)

Action ID. 200021863

August 14, 2003

PUBLIC NOTICE

PERMIT MODIFICATION

The North Carolina Department Of Transportation, Division Of Highways, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548, has applied for MODIFICATION of a DEPARTMENT OF THE ARMY (DA) PERMIT pursuant to SECTION 404 OF THE CLEAN WATER ACT to authorize the proposed discharge of dredged and fill material impacting waters of the United States, consisting of a total of 2.03 acres of WETLANDS, 12,263 linear feet of STREAMS, and 4.95 acres of PONDS, for construction of Section A of the NORTHERN WAKE EXPRESSWAY (T.I.P. No. R-2000A), crossing unnamed tributaries to KIT CREEK, STIRRUP IRON CREEK and its unnamed tributaries, and adjacent wetlands, generally north and west of MORRISVILLE, in WAKE COUNTY, NORTH CAROLINA.

The following description of the work is taken from data provided by the applicant. Plans submitted with the application show the placement of fill material impacting waters of the United States, in the Cape Fear and Neuse River basins, generally north and west of Morrisville, in Wake County, North Carolina. These impacts are necessary for the construction of Section A of the Northern Wake Expressway (T.I.P. No. R-2000A). The proposed highway sections will extend from NC 55 to I-40, at the western end of the existing I-540 Northern Wake Expressway, with new interchanges at NC 55, Davis Drive, NC 54 and additions to the existing interchange at I-40. The interchange at the western end will be designed to accommodate additional ramps for the proposed Western Wake Freeway in the future, but only the portion of the interchange necessary for movements between the Northern Wake Expressway and NC 55 will be constructed at this time. The interchange at Davis Drive has been re-designed to accommodate future access to the future Triangle Parkway, but the interchange will accommodate access to Davis Drive whether or not the Triangle Parkway is eventually proposed and permitted.

Sections A, B, C, D, E, F and G of the Northern Wake Expressway (T.I.P. No. R-2000), were previously authorized under individual Department of the Army permits. Section A was authorized based on preliminary design, with a condition that its construction would require modification of the permit if the final design changed the impacts to waters of the U.S. This authorization did not specify the required compensatory mitigation for Section A, but did require that construction on Section A begin only after mitigation, approved by the District Engineer, has

been implemented, constructed/and or planted, as appropriate. The impacts and compensatory mitigation in the application described in this public notice are for all of the construction related to Section A of the Northern Wake Expressway. The final design for Section A has increased the impacts from the preliminary design to wetlands by 0.81 acre and to streams by 1.09 acres (total stream impact is now 12,263 linear feet). The impact increases in the final design are primarily due to interchange design revisions to increase facility capacity, and the inclusion of mechanized clearing impacts at the bottom of fill slopes for temporary sediment and erosion controls.

The project will involve fill impacts to unvegetated waters of the United States. These total impacts to stream channels (12,263 linear feet), and ponds (4.95 acres) occur at 28 locations throughout the project. At the river and stream crossings, culverts or pipes will be used to allow for adequate hydrological flow underneath the roadway. The proposed construction will also impact a total of 2.03 acres of vegetated wetlands by filling, excavation, and mechanized clearing. Two of the impacted wetland sites totaling 0.05 acre are isolated wetlands that are not subject to regulation under Section 404 of the Clean Water Act, but that will be considered in evaluation of impacts for this project. The impacted wetlands consist of isolated, palustrine, and riverine forested and marsh areas.

NCDOT is proposing use of the South Buffalo Creek wetland restoration site in the Cape Fear Basin in Greensboro, Guilford County, and the Benson Grove wetland restoration site in the Neuse River Basin on Black Creek in Johnston County, to provide compensatory mitigation for the permanent wetland impacts from this project. NCDOT is proposing 1,299 linear feet of natural, on-site stream channel relocation, and payment to the North Carolina Ecosystem Enhancement Program for 10,547 linear feet of stream channel restoration, to provide compensatory mitigation for the 11,846 linear feet of stream impacts from this project that require mitigation, at a 1:1 ratio. As required by the State of North Carolina Neuse Buffer Rules, NCDOT will also make a payment to NCWRP for 17.67 acres of stream buffer restoration, which will be used to restore stream ecosystems.

The purpose of the work is to improve the transportation facilities in this portion of Wake County to provide for current and future traffic needs. The applicant has considered several alternatives to the total Northern Expressway project, including the no-build alternative, improving the existing roadway system, public transportation alternatives, and several alternative expressway alignments. In addition, the applicant has committed to investigating measures to avoid and minimize wetland and stream impacts, including using 2:1 fill slopes through wetlands, where feasible, eliminating ditching through wetlands, a decreased (46-foot) median width, vegetative storm water treatment in areas not required by the buffer rules, and use of High Quality Waters erosion and sediment control measures.

Overall plans showing the proposed construction are included with this public notice. Additional detailed plans may be reviewed at the U.S. Army Corps of Engineers Regulatory Field Office at 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615-6846, or at the offices of the North Carolina Division of Water Quality at the address shown below.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization.

This application is being considered pursuant to Section 404(b) of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

NCDOT has investigated and consulted with the North Carolina State Historic Preservation Officer (SHPO) regarding architectural and archaeological resources listed in, or eligible for inclusion in the National Register of Historic Places. As a result, NCDOT has determined that this portion of the Expressway will not have an effect on any listed properties. The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, beyond those identified in the MOA, and this portion of the project does not impact any additional registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer. The District Engineer is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer is not aware, based on available information, that the activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

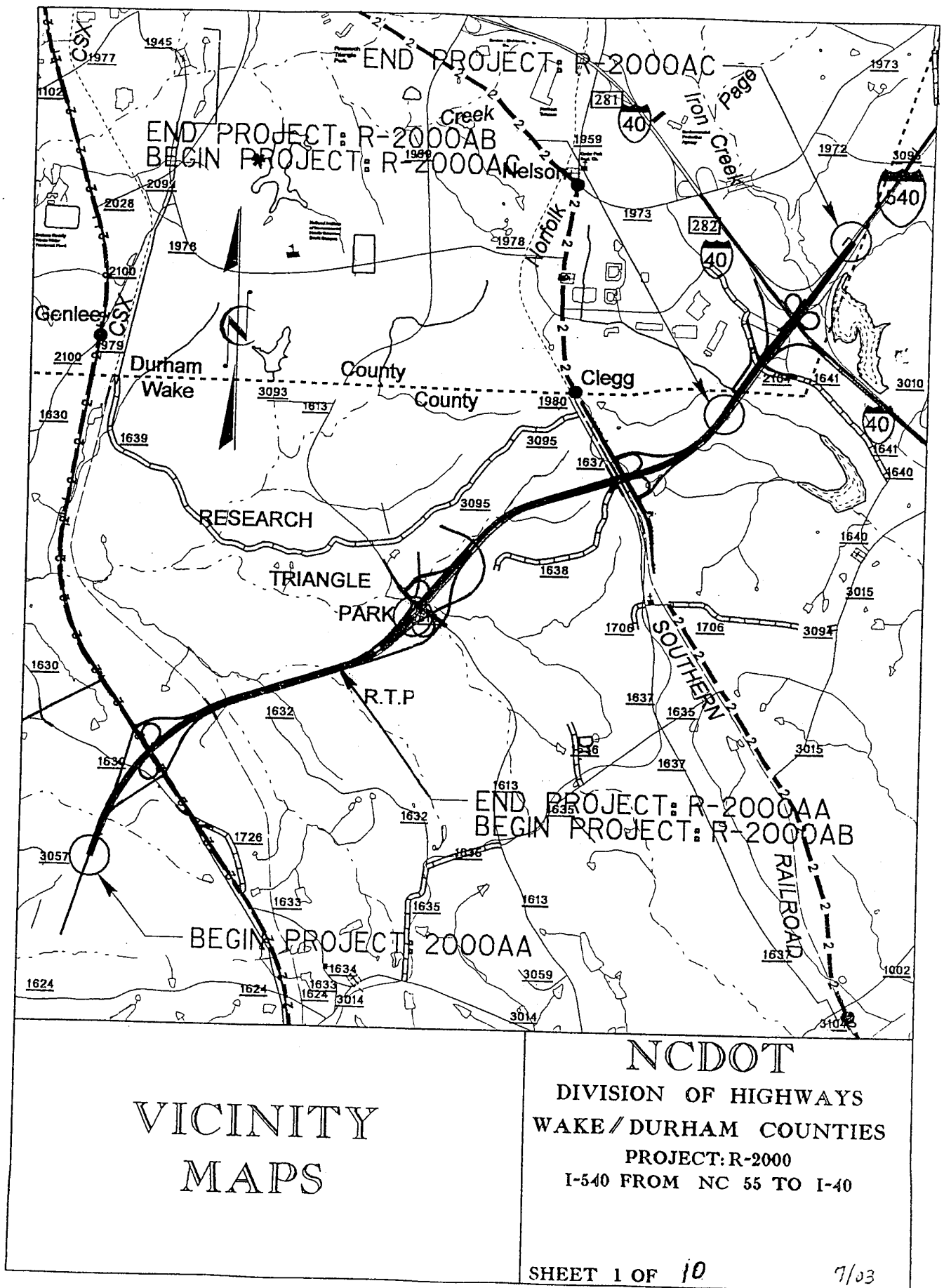
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

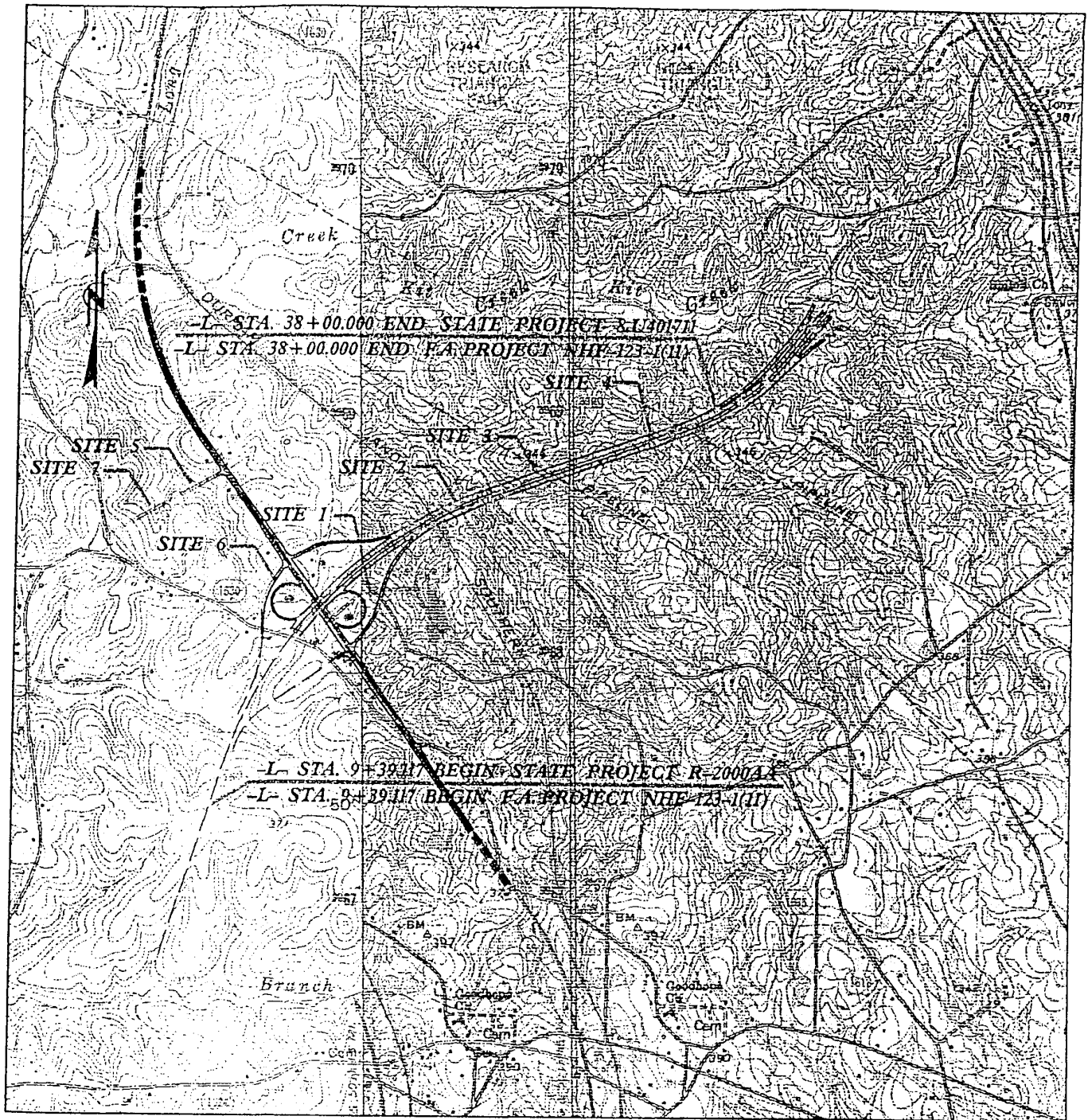
Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Department of Environment and Natural Resources, Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650, on or before September 8, 2003, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Eric Alsmeyer, until 4:15 p.m., September 15, 2003, or telephone 919-876-8441, extension 23.





SITE MAP

WETLANDS & SURFACE WATER
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

_____ COUNTY
PROJECT: 8.U401711 (R-2000AA)
I-540
BETWEEN SR 1624 AND SR 1630

SHEET 2 OF 10 DATE _____

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To) (meters)	Structure Size / Type (English Units)	WETLAND IMPACTS				SURFACE WATER IMPACTS				
			Fill In Wetlands (acres)	Temp. Fill In Wetlands (acres)	Excavation In Wetlands (acres)	Mechanized Clearing (Method III) (acres)	Fill In SW (Natural) (acres)	Fill In SW (Pond) (acres)	Temp. Fill In SW (acres)	Existing Channel Impacted (ft)	Natural Stream Design (ft)
1	20+90 TO 22+55 -L-		0.026				0.064			843	
2	26+25 TO 26+80 -L-	(2) 9' w x 7' h RCBC					0.164			585	
3	29+73 TO 30+72 -L-	66" RCP	0.302			0.016	0.036			474	
4	35+00 TO 35+60 -L-	(2) 10' w x 6' h RCBC	0.537			0.016	0.058			476	
5	16+05 TO 16+62 -Y15-	54" RCP	0.051				0.026			116	
6	5+71 TO 6+15 RAMP B	18" RCP						1.161			
7	14+55 -Y15-	30" RCP					0.035			259	
TOTALS:			0.917	0	0	0.032	0.383	1.161	0	2754	0

WETLAND & SURFACE WATER

NCDOT

DIVISION OF HIGHWAYS
WAKE COUNTY
PROJECT 8.U401711 (R-2000AA)
I-540
BETWEEN SR 1624 AND SR 1630

SHEET 3 OF 10 DATE

PROPERTY OWNER

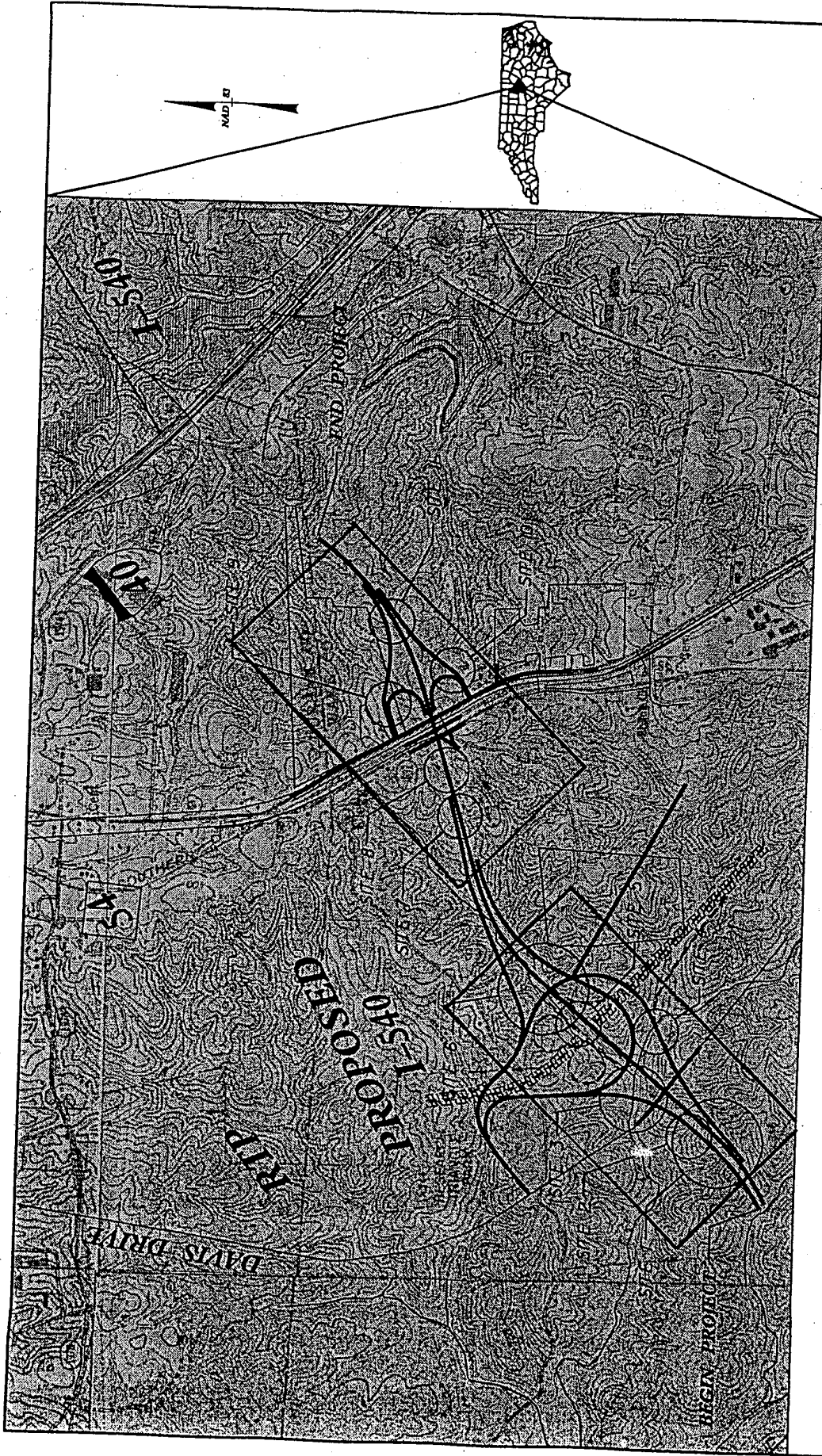
NAME AND ADDRESS

	<u>OWNER'S NAME</u>	<u>ADDRESS</u>
9	TRIANGLE BRICK CO.	APEX HWY DURHAM, N.C. 27713-9436
11	EDWARD E. HOLLOWELL	PO BOX 12136 RALEIGH, N.C. 27605-2136
12	RESEARCH TRIANGLE FOUNDATION OF NORTH CAROLINA	PO BOX 12255 DURHAM, N.C. 27709-2255
13	WILHELM ROEBEN C/O TRIANGLE BRICK CO.	6523 APEX HWY DURHAM N.C. 27713
16	RTP 55 PARTNERSHIP	c/o JAMES KO 6208 BRAESMEADOW CR RALEIGH N.C. 27612-2804
6	CHARLES ALLEN OVERTON	PO BOX 1694 CLINTON, N.C. 28329-1694
8	W. R. EVANS	PO BOX 1694 CLINTON, N.C. 28329-1694

WETLANDS & SURFACE WATER
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY
PROJECT: 8.U401711 (R-2000AA)
I-540
BETWEEN SR 1624 AND SR 1630

SHEET 4 OF 10 DATE _____



SITE MAP

WETLAND



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE AND DURHAM COUNTIES

PROJECT: &U401711 (R-2000AB)

WETLAND PERMIT IMPACT SUMMARY										
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS			
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Natural Stream Design (ft)
1	-L- 42+60 -YRPB- 15+20 -L- 43+15	48" RCP	0.11		0.01	0.01	0.04			761
2	-YRPB- 14+60	Existing Lake	0.30			0.02		0.16		413
3	From -L- 44+60 To -L- 55+20 LI -YBFLY- 15+67 -YCFLY- 23+97 -Y19REV- 13+40	Extend 42" RCP 1 @ 10' x 10' RCBC 1 @ 10' x 9' RCBC 2 @ 13' x 11' RCBC	0.25				0.58			1975
4	-L- 45+26 -YCFLY- 15+60 -Y19DET2- 10+52	2 @ 13' x 10' RCBC 2 @ 13' x 10' RCBC 60" RCP Ext.					0.48			1030
5	-L- 49+67	24" RCP					0.01			98
6	-L- 50+82 From -L- 50+20 To -L- 55+00 LI -YRPA- 12+77 -L- 54+47	30" RCP 1 @ 10' x 9' RCBC 1 @ 8' x 7' RCBC	0.02				0.04			509
7	-L- 60+85 LI & Rt	24" RCP	0.11			0.01	0.05			607
8	-L- 62+05	24" RCP	0.11			0.02	0.21			2060
9	-RPA54- 5+20 LI	36" RCP					0.01			118
10	-RPD54- 4+60 LI -RPD54- 4+43	36" RCP 36" RCP				0.04	0.03	3.53		345
11	-L- 70+40	24" RCP					0.07			417
TOTALS:			0.90	0.00	0.01	0.17	1.55	3.79	0.00	8333
										1299

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT 8.U401711 (R-2000AB)
WAKE & DURHAM COUNTY

PROPERTY OWNER

NAME AND ADDRESS

SITE	OWNER'S NAME	ADDRESS
10	Research Triangle Foundation of North Carolina	P.O. Box 12255 Durham, NC 27713-9436
9	Cora Holland Heirs	11006 Chapel Hill Road Morrisville, NC 27560
6	Andover Partnership LLC	5511 Capital Center Drive Suite 320 Raleigh, NC 27606
11	Greg Sanchez	310 Craven Street New Bern, NC 28560
12	Anvil Investments LLC	P.O. Box 3557 Cary, NC 27519
904Z (West of Project) 908Z	Anvil Investments LLC C/O Greg Brice	100 Weston Estates Cary, NC 27513
904Z (East of Project)	Duke Weeks C/O Jim Anderson	1800 Perimeter Drive Morrisville, NC 27560
905Z	Katherine R. Everett	P.O. Box 586 Durham, NC 27702
15	Jim Anderson	1800 Perimeter Drive Morrisville, NC 27560
902Z	C/O John Biggs Attorney	122 East Parrish Street Durham, NC 27701
902-905, 908, 940 N.C.D.O.T.		

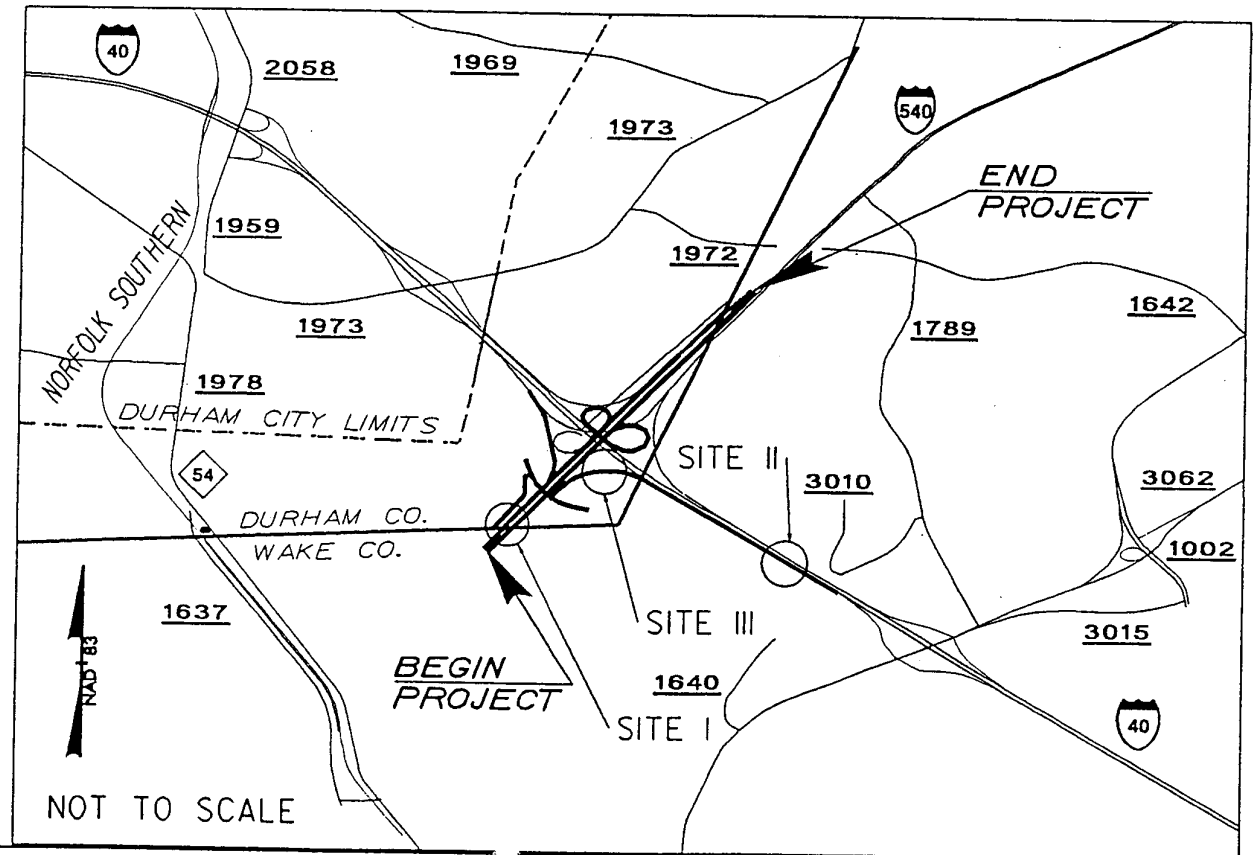
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE AND DURHAM COUNTIES

PROJECT: 8.U401711 (R-2000AB)

NORTH CAROLINA

PROJECT
8.U401711



VICINITY MAPS

WETLAND AND STREAM IMPACTS

DIVISION OF HIGHWAYS
WAKE/DURHAM COUNTY

PROJECT: 8.U401711 (R-2000AC)

I-540 (NORTHERN WAKE EXPRESSWAY)
FROM 0.9 KM SOUTHWEST OF I-40 TO 0.7 KM
NORTHEAST OF I-40

SHEET 8 OF 10

11/26/02

PROPERTY OWNERS

NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
	Ruby D. Randsell	303 Broad St. Fuquay-Varina, NC 27526
	Concourse Development, I, L.L.C.	1400 Commonwealth Dr. Suite 250 Wilmington, NC 28403
	CSM Real Estate Partners	300 W. Millbrook Road Suite B Raleigh, NC 27609
	Investors Of The Triangle	Post Office Box 1551 Durham, NC 27702-1551

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
WAKE/DURHAM COUNTY

PROJECT: 8.U401711 (R-2000AC)

I-540 (NORTHERN WAKE EXPRESSWAY)
FROM 0.9 KM SOUTHWEST OF I-40 TO 0.7 KM
NORTHEAST OF I-40

SHEET 9 OF 10

11/26/02

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DIVISION OF HIGHWAYS
WAKE/DURHAM COUNTY
PROJECT 8.U401711 (R-2000AC)
I-540 (NORTHERN WAKE EXPRESSWAY)
FROM 0.9KM SOUTHWEST OF I-40 TO
0.7KM NORTHEAST OF I-40